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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,443	08/16/2001	Anthony Maglica	265/127	3500

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EXAMINER

NEGRON, ISMAEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,443

Applicant(s)

MAGLICA, ANTHONY

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 24-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 66-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Election/Restrictions

1. Applicant's election without traverse of Invention I, recited in claims 1-23 and 66-68, in Paper No. 6 is acknowledged.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**33**" has been used to designate both "*sealing element*" (page 11, line 21) and "*one way valve*" (page 11, line 27). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In addition, note the following:

- reference character "**32**", used to designate "*region of external threading*" (page 11, line 17) and "*threads*" (page 11, line 32);
- reference character "**38**", used to designate "*spring member*" (page 12, line 18) and "*spring*" (page 12, line 22);
- reference character "**43**" used to designate "*sidewall*" (page 13, line 13) and "*cylindrical wall*" (page 13, line 14);
- reference character "**41**", used to designate "*lower insulator receptacle*" (page 13, line 10) and "*lower insulator*" (page 13, line 15);

- reference character "39", used to designate "*first conductor*" (page 12, line 18) and "*insulator receptacle*" (page 14, line 28);
- reference character "59", used to designate "*spare lamp bulb*" (page 11, line 12) and "*bi-pin lamp bulb*" (page 14, line 29); and
- reference character "91", used to designate "*hole*" (page 17, line 17) and "*segment*" (page 17, line 32).

The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g). Correction is required.

3. Applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 11-14, 66 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlessel (U.S. Pat. 3,622,832) and Maglica (U.S. Pat. 5,260,858).

Schlessel discloses an illumination device having:

- **a lamp bulb**, Figure 1, reference number 2;
- **the lamp bulb being a bi-pin lamp bulb**, Figure 4;
- **a lamp base**, Figure 1, reference number 4;
- **the lamp bulb being secured to the lamp base**, Figure 1;
- **the lamp bulb having a pair of electrodes**, Figure 1, reference number 9;
- **the lamp bulb also having a filament**, Figure 1, reference number 3;
- **the filament extending between the electrodes**, column 2, lines 44-49;
- **the lamp bulb being secure to the base with an adhesive**, Figure 3, reference number 27;
- **the adhesive being a ceramic**, column 3, lines 46-49; and
- **the lamp bulb being secure to the base so that the center of the filament is aligned with a predetermined axis**, column 2, lines 54-64.

Schlessel discloses all the limitations of the claims, except:

- a reflector;
- the reflector having a central opening;
- a lamp base receiver;

- the lamp base receiver being adjacent the central opening of the reflector;
- the lamp bulb extending through the central opening; and
- the lamp base receiver being adapted to align the lamp base with a principal axis of a reflector.

Maglica discloses an illumination device having:

- **a lamp bulb**, Figure 2, reference number 60;
- **a reflector**, Figure 1, reference number 20;
- **the reflector having a central opening**, Figure 1;
- **a lamp base receiver**, Figure 2, reference number 58;
- **the lamp base receiver being adjacent the central opening of the reflector**, Figure 1;
- **the lamp bulb extending through the central opening**, Figure 1;and
- **the lamp base receiver being adapted to align the lamp base with a principal axis of a reflector**, column 4, lines 7-30.

~~It would have been obvious to one of ordinary skill in the art at the time the~~
claimed invention was made to combine the teachings of Schlessel and Maglica, to obtain an illumination device with improved lamp/reflector alignment means, as per the teachings of Schlessel (column 2, lines 54-63) and Maglica (column 1, lines 31-39).

Regarding the filament being align so that its center is displace 0.001 inches or less from the predetermined axis, one of ordinary skill in the art at the time the claimed

invention was made, would have being motivated to locate the filament as close as possible to the predetermined axis, as the advantages of locating the filament substantially in such axis are old and well known in the art. Evidence of such old and well-known status can be found in both Schlessel and Maglica.

In addition, it would have being obvious to one of ordinary skill in the art at the time the claimed invention was made, to locate the filament within the claimed range of the predetermined axis, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ

5. Claims 4-10, 15-23 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlessel (U.S. Pat. 3,622,832) and Maglica (U.S. Pat. 5,260,858).

The teachings of Schlessel and Maglica (as applied in Section 4 of the instant Office Action) disclose, or suggest in combination, all of the features of the claimed invention, except:

- the lamp base including a solid of revolution;
- the solid of revolution having two holes extending through the base in the direction of the axis of revolution;
- the predetermined axis being the axis of revolution;
- the lamp base generally comprising a frustum of a truncated right circular cone;

- the sidewall of the cone being tapered at an angle of between 5° and 60°, with respect to the axis of revolution; and
- the sidewall of the cone being tapered at an angle of between 5° and 20°, with respect to the axis of revolution.

It would have been an obvious matter of design choice to use the claimed lamp base structure in the illumination device of Schlessel and Maglica, since the applicant has not disclosed that such specific structure solves any problem or is for a particular reason. It appears that the claimed invention would perform equally well with lamp base structure as suggested by Schlessel and Maglica.

Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prok (U.S. Pat. 5,535,107), **Kalley et al.** (U.S. Pat. 5,959,306), **Kibler** (U.S. Pat. 5,826,971), **Chiu** (U.S. Pat. 5,826,972), **Kibler et al.** (U.S. Pat. 5,865,525) and **Thummel et al.** (U.S. Pat. 6,183,106) disclose flashlights having a reflector with a central opening and a lamp bulb positioned within the reflector by passing through the central opening. Prok and Kalley et al. state the advantages of lamp/reflector alignment.

Wiley (U.S. Pat. 3,313,331), **Bottone et al.** (U.S. Pat. 3,469,140), **Wojtowicz** (U.S. Pat. 3,997,808), **Bradley** (U.S. Pat. 4,287,448) and **Kosmatka et al.** (U.S. Pat. 4,464,600) disclose lamp bulbs with filament alignment means.

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Conclusion

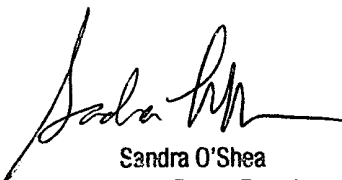
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Inr

December 3, 2002



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800